

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In Re:

DAVID HERZ,

DEBTOR
-----X

CHAPTER 7

CASE NO. 11-42921 (CEC)

VERIFIED ANSWER

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

2015 SEP 24 P 2:11

RECEIVED

I, **ESHER HERZ**, a descendent of the Estate of David Herz, answers the Objection of the Law Offices of Moishe Solomon, P.C. by Richard E. O'Connell, Esq. which was dated September 2, 2015 as follows:

1. I am a descendent of the estate of David Herz, thereby allowing me the permission to represent myself pro se in this matter.
2. There was no Last Will and Testament prepared by David Herz and all assets were transferred to his estate.
3. Libi Herz has been appointed as Administrator of the estate. (Exhibit "A" attached thereto)
4. The facts and law underlying the Turnover Motion remains the same today as they were on the date the Court entered the Turnover Order, namely: the captioned bankruptcy case is presently pending;
5. There has been no trustee assigned to the Herz Estate.
6. I believe Libi Herz has the responsibility to manage any and all matters concerning the estate.
7. On May 28, 2015 Libi Herz released her attorney thereby requesting permission to represent herself and speak on her behalf.
8. However, as the Administrator of the estate she was denied such privilege on June 24, 2015.
9. There were egregious mistakes made throughout this process.
10. My husband, David Herz, died before he was even made aware of any monies that were bestowed upon him.
11. The cases were always against me and has his wife counsel deems it necessary to attack his estate.
12. This is unfair and has been going on for way too long.
13. As a beneficiary of the estate, I am aware of all legalities plagued by this case.
14. It is my intention to show GAT who had been released by Chase Bank is now a party to all actions bought by

Lexington Insurance Company.

E. HERZ
ESTHER HERZ

9/24/2015

TO. ESTHER HERZ
1148 E 10 ST.
Brooklyn NY
11230

Moshie Solomon
LAW OFFICES OF MOSHIE SOLOMON, P.C.
5 Penn Plaza, 23rd Floor
New York, NY 10001
(212) 594-7070

Counsel for Richard E. O'Connell, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

DAVID HERZ,

Chapter 7
Case No. 11-42921 (CEC)

Debtor.
-----X

**CHAPTER 7 TRUSTEE'S OBJECTION TO ESTHER HERZ'S
APPLICATION IN SUPPORT OF ORDER TO SHOW CAUSE**

TO: THE HONORABLE CARLA E. CRAIG,
CHIEF UNITED STATES BANKRUPTCY JUDGE

Richard E. O'Connell, chapter 7 trustee (the "Trustee") for the estate (the "Herz Estate") of David Herz (the "Debtor"), by and through his undersigned counsel, submits this response to the *pro se* application (the "Show Cause Application") of Esther Herz ("Mrs. Herz") filed on August 20, 2015 in support of an Order to Show Cause to "[r]econsider your order Doc 61 filed 6/9/15", and respectfully represents as follows:

BACKGROUND

1. On March 24, 2015, the Trustee filed a motion (the "Turnover Motion") for entry of an Order directing Peter Robert Alfred Birchwood as the trustee (the "Silberman Trustee") for the decedent estate of Ellen Ruth Silberman (the "Silberman Estate") to turn over and remit to the Trustee any and all funds (the "Silberman Estate Funds") that the Debtor is entitled to receive from the Silberman Estate.

STEWART & ASSOCIATES, P.C.
ATTORNEYS AT LAW

Joshua R. Hamilton, Esq.
Licensed in GA, No. 141757

3715 DAVINCI COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

(678) 728-7313 - Direct Line
(678) 684-4975 - Fax

August 24, 2015

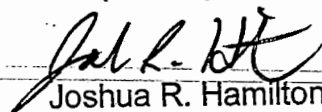
Ms. Esther Herz
1148 East 10th Street, Floor 2
Brooklyn, NY 11230-0470

**Re: Fleet Bank Credit Card Account No. [REDACTED] 5882 aka Credigy
Receivables Inc. Account No. [REDACTED] 0919
First Select Corp. v. Esther Herz
Kings County Civil Court Index No. CV-040910-99/KI**

Dear Ms. Herz:

As per our telephone conversation on August 21, 2015, please be advised that the above matter has been fully resolved and satisfied. Credigy Receivables Inc. has owned this account continuously since December 27, 2002 and has never assigned it to any other party, including Lexington Insurance Company.

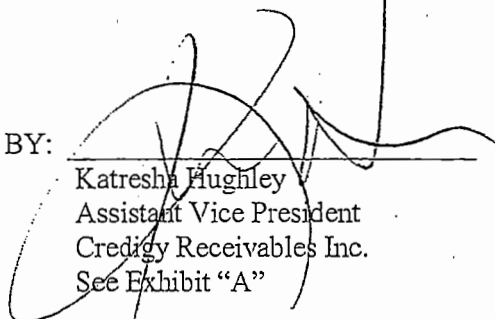
Respectfully,



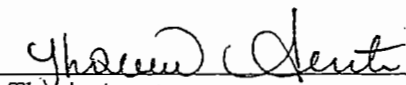
Joshua R. Hamilton
Litigation Manager
Attorney for Credigy Receivables Inc.

JRH:bcm
Via Federal Express

BY:


Katresha Hughley
Assistant Vice President
Credigy Receivables Inc.
See Exhibit "A"

BY:


Thania Acosta
Assistant Vice President
Credigy Receivables Inc.

Dated:

8-4-15

Dated:

8/4/15

STATE OF GEORGIA)
COUNTY OF GWINNETT)

The foregoing instrument was sworn to and subscribed before me this 4 day of August, 2015 by Katresha Hughley and Thania Acosta Assistant Vice Presidents, personally known to me to be the individuals whose names are subscribed to the within instrument.


NOTARY PUBLIC

My Commission expires

04/09/2017

Miriam Torres

NOTARY PUBLIC

Gwinnett County, GEORGIA

My Comm. Expires

04/09/2017

Pursuant to a Power of Attorney dated December 30, 2002, see Attached Exhibit "A" – Power of Attorney.

STATE OF NEW YORK
COUNTY OF SUFFOLK

SS: IN THE MONROE COUNTY COURT
CAUSE NO. CV-040910-99/KI

First Select Corp.
Plaintiff,

v.

Esther Herz
1148 E 10th St Apt 11230
Brooklyn, NY 01123
Defendant.

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party (through counsel if represented) with a copy of the **Assignment of Judgment** by depositing in the United States Mail with a copy of same in a properly addressed envelope with adequate postage to:

Esther Herz
1148 E 10th St Apt 11230
Brooklyn, NY 01123

This 4 day August, 2015

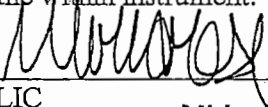

Thania Acosta
Assistant Vice President
Credigy Receivables Inc.
3715 Davinci Court, Suite 200
Norcross, GA 30092
(866)990.9968 - Phone
(678)684.4975 - Fax

STATE OF GEORGIA) SS:
COUNTY OF GWINNETT)

The foregoing instrument was sworn to and subscribed before me this 4 day of August, 2015 by Thania Acosta, Assistant Vice President, personally known to me to be the individual whose name is subscribed to the within instrument.

NOTARY PUBLIC

My Commission expires


Miriam Torres

NOTARY PUBLIC

Gwinnett County, GEORGIA

My Comm. Expires

04/09/2017

Cardmember Service
Post Office Box 15298
Wilmington, DE 19850-5298
1-800-436-7937



05/26/2015

ESTHER HERZ
1148 E 10TH ST
BROOKLYN NY 11230

RE: [REDACTED] XXXX (8123)

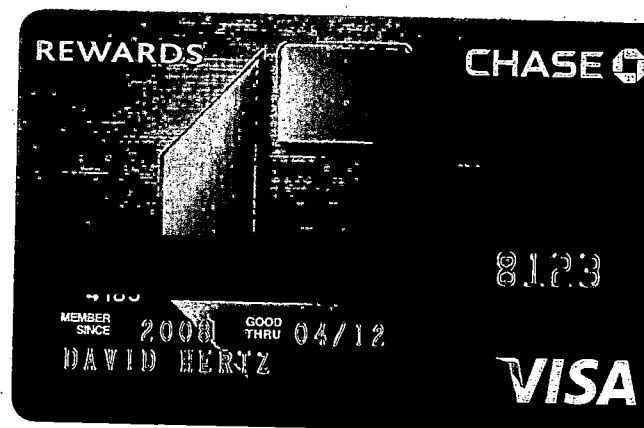
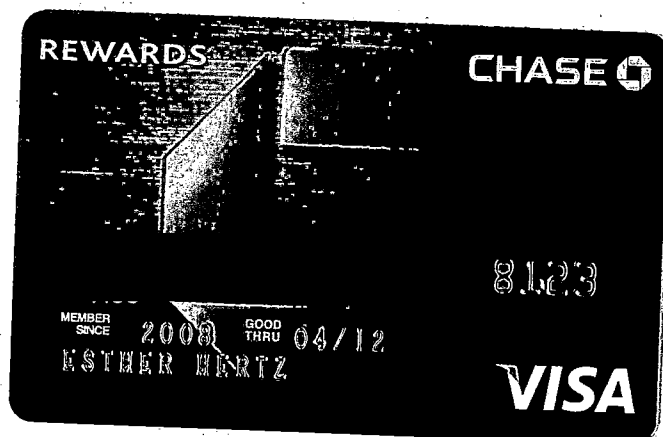
Dear Esther Herz:

This letter is confirmation that you have been removed from the credit card account indicated above. This change was effective on April 13, 2011.

If you have additional questions, please call us at the toll-free number noted above. For your convenience, we are available 24 hours a day to assist you.

Sincerely,

Kristi Carnahan
Senior Servicing Specialist



Cardmember Service
Post Office Box 15298
Wilmington, DE 19850-5298
1-800-436-7937



05/26/2015

ESTHER HERZ
1148 E 10TH ST
BROOKLYN NY 11230

RE: [REDACTED] XXXX (2687)

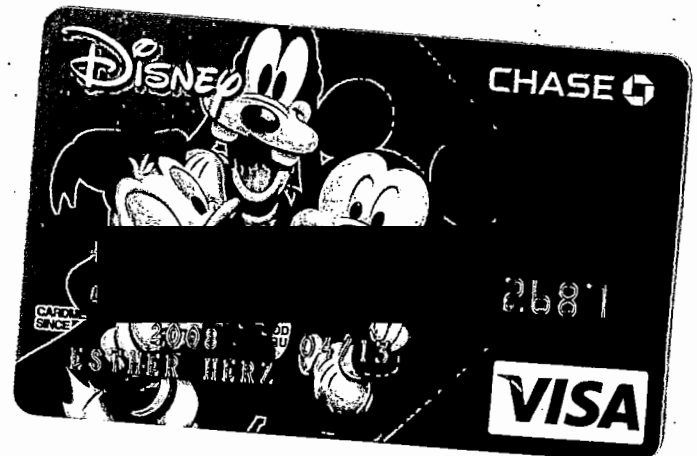
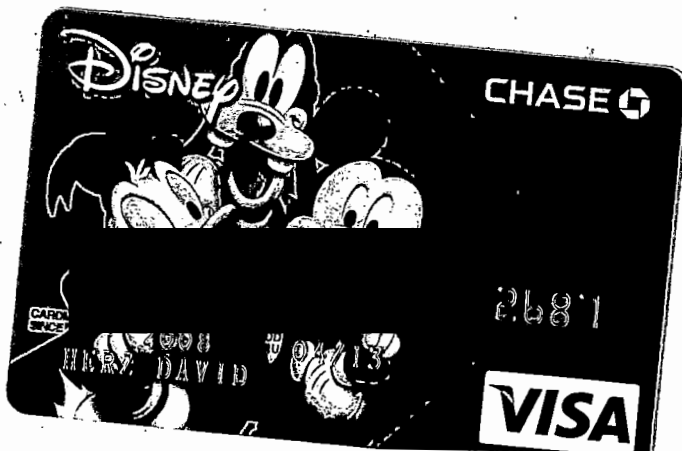
Dear Esther Herz:

This letter is confirmation that you have been removed from the credit card account indicated above. This change was effective on April 18, 2011.

If you have additional questions, please call us at the toll-free number noted above. For your convenience, we are available 24 hours a day to assist you.

Sincerely,

Kristi Carnnahan
Senior Servicing Specialist



Form B18 (Official Form 18)(12/01/2007)

United States Bankruptcy Court

Eastern District of New York
271 Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800

IN RE:

CASE NO: 1-11-42921-jf

David Herz

1148 East 10th Street
Brooklyn, NY 11230

Name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address.

Social Security/Individual Taxpayer ID/Taxpayer ID/Employer ID No.:

CHAPTER: 7

xxx-xx-0419

DEBTOR(s)

DISCHARGE OF DEBTOR(S)

It appearing that the debtor(s) is entitled to a discharge,

IT IS ORDERED:

The debtor(s) is granted a discharge under Section 727 of Title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: July 20, 2011

s/ Jerome Feller
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

From: BKECF_LiveDB@nyeb.uscourts.gov
Sent: Friday, January 13, 2012 10:25 AM
To: CourtMail@nyeb.uscourts.gov
Subject: Ch-7 1-11-42921-jf Chapter 7 Trustee's Report of No Distribution -David Herz

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

U.S. Bankruptcy Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was received from Richard E. O'Connell entered on 1/13/2012 at 10:24 AM EST and filed on 1/13/2012

Case Name: David Herz
Case Number: 1-11-42921-jf
Document Number:

Docket Text:

Chapter 7 Trustee's Report of No Distribution: I, Richard E. O'Connell, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 9 months. Assets Abandoned (without deducting any secured claims): \$ 650000.00, Assets Exempt: \$ 151580.00, Claims Scheduled: \$ 1140285.94, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 1140285.94. Filed by Richard E. O'Connell (RE: related document(s) Statement Adjourning 341(a) Meeting of Creditors). (O'Connell, Richard)

The following document(s) are associated with this transaction:

1-11-42921-jf Notice will be electronically mailed to:

Bernard D'Orazio on behalf of Creditor Joseph Bogatz
bdorazio@dorazio-law.com

Richard A Klass on behalf of Debtor David Herz
richklass@courtstreetlaw.com

11 AM

richard

From: BKECF_LiveDB@nyeb.uscourts.gov
Sent: Friday, April 08, 2011 12:59 PM
To: CourtMail@nyeb.uscourts.gov
Subject: Ch-7 1-11-42921-jf Judge / Trustee / 341 Meeting Assignment (Chapter 7) -David Herz

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.

U.S. Bankruptcy Court
Eastern District of New York

Notice of Electronic Filing

The following transaction was received from admin, entered on 4/8/2011 at 12:58 PM EDT and filed on 4/8/2011

Case Name: David Herz
Case Number: 1-11-42921-jf
Document Number:

Docket Text:

Meeting of Creditors Chapter 7 No Asset & Appointment of Chapter 7 Trustee, Richard E. O'Connell, 341(a) Meeting to be held on 05/17/2011 at 11:00 AM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY . Last day to oppose discharge or dischargeability is 07/18/2011 .

The following document(s) are associated with this transaction:

1-11-42921-jf Notice will be electronically mailed to:

Richard A Klass on behalf of Debtor David Herz
richklass@courtstreetlaw.com

Richard E. O'Connell
macrhi@verizon.net, NY07@ecfcbis.com

United States Trustee
USTPRegion02.BR.ECF@usdoj.gov

1-11-42921-jf Notice will not be electronically mailed to:

G.A.T. Abstract Corporation

622 Avenue X, Suite 101, Brooklyn, NY 11235

02/07/2011

To Whom it May Concern

RE: **ESTHER HERZ**
Premises: **1148 EAST 10 STREET, BROOKLYN, NY 11230**
SS#: **XXX-XX-8733**

Dear Sir or Madam:

Searches have been made versus the above mentioned individual in the Counties of Kings, Queens, New York, Bronx, Richmond (New York City). Currently there are no properties found in the name above.

If you have any question or concerns, please do not hesitate to contact our offices.

Very Truly Yours,

Tigran Sahakyan

Sworn to before me
this 12th day of February, 2011

Notary Public

G.A.T. ABSTRACT CORP.
Committed to serve your title needs

Tigran Sahakyan
President

2747 Coney Island Ave.
Suite 201
Brooklyn, NY 11235

Tel (718) 891-TITLE (8485)
Fax (718) 891-4217
www.gatabstract.com

~~ALEXANDER S. CHERNY
Notary Public, State of New York
Notary Public, County of Kings
Qualified in Kings County
Commission Expires Feb. 2, 2012~~

ALEXANDER S. CHERNY
Notary Public, State of New York
No. 02CH6104731
Qualified in Kings County
Commission Expires Feb. 2, 2012

Tel: 718 891 8485

Fax: 718 891 4217



New York Liquidation Bureau

ANTHONY J. ALBANESE
Acting Superintendent as Receiver

FAX COVER SHEET

DATE: July 16, 2015

TO: Ms. Ester PHONE: 718 377 7514

COMPANY: _____ FAX: 718 377 7514

FROM: Alix Kerestes PHONE: _____
(212) 341-6670
212) 233-0185 fax
akerestes@nylb.org

FAX: _____

Number of pages including cover sheet 12

Please contact me if pages are illegible or if all pages were not received.

Message: Please allow this to follow up on my call to you. As I indicated I am with the New York Liquidation Bureau ("NYLB") the organization that carries out the duties of the Superintendent of Financial Services of New York as Liquidator of Washington Title Insurance Company. Washington Title was placed into liquidation on November 18, 2011. Attached please find a copy of the Order of Liquidation, you can also find a copy on the NYLB website at www.nylb.org.

Kindly be advised that all Washington Title policies were terminated by court order as of September 1, 2013. Further, the court established a Bar Date of September 30, 2013 for presenting all claims to the Liquidator. Copies are attached, but you may also found them on our web site.

Please let me know if you have any further questions.

11/22/2011 03:45 FAX

002/008

LONG FORM ORDER

7/9 2/4 189.000 512
\$10.000 77 28 107

At LAS Part 8 of the Supreme Court
of the State of New York, County of
Nassau, at the courthouse located at
100 Supreme Court Drive, Mineola,
New York, on the 17 day of
November, 2011.

→ 002/008
E. 107
03/17

PRESENT:

HON. ANTHONY L. PARGA, J.S.C

In the Matter of

Index No. 12070/2011

the Application of

ORDER OF LIQUIDATION

JAMES J. WRYNN, Superintendent of Insurance
of the State of New York, for an order to take
possession of and liquidate the business and
affairs of and dissolve the corporate charter of

WASHINGTON TITLE INSURANCE COMPANY.

James J. Wrynn, the then-Superintendent of Insurance of the State of New York, having moved this Court by order to show cause ("Order to Show Cause") for an order appointing the Superintendent and his successors in office, which now includes Benjamin M. Lawskey, the Superintendent of the New York Department of Financial Services ("Superintendent"), as Liquidator ("Liquidator") of Washington Title Insurance Company ("Washington Title") and directing the Liquidator to take possession of the property of Washington Title, to liquidate its business and affairs and to dissolve its corporate charter, and upon reading and filing the petition of the Superintendent, duly verified the 5th day of August, 2011, the affidavit of Eugene Bienskie, sworn to on August 4, 2011, and the exhibits annexed thereto, this Court finds that:

1. Washington Title was incorporated under the laws of the State of New York on or about October 14, 1992;

May-27-2015 01:14 PM JP Morgan Chase 214-26-4889

CHASE

FAX COVER SHEET

5/27/15

To: ESTHER HERZ

Fax: 718-377-7514

From: Anel Maritza Gonzalez

Number of pages including cover sheet: 3

If you have any further questions, please feel free to contact us at 1-800-848-9136

Thank you

Anel Maritza Gonzalez

MB Escalation Research

The RELEASE PAID

TO JOSEPH BOGATZ

Record and Return to:

D, HERZ

1148 E 10 ST. BROOKLYN NY 11230

RELEASE OF JUDGMENT LIEN

THIS RELEASE OF JUDGMENT LIEN ("RELEASE"), made as of the 2nd day of July, 2011, between JOSEPH BOGATZ, an individual, having an address at 337 Decree Park Place, Staten Island, New York 10301 ("RELEASOR") and DAVID HERZ, an individual, having an address at 1148 East 10th Street, Brooklyn, New York 11230 ("RELEASEE").

WHEREAS, Judgment was entered on the 2nd day of May, 2005 in an action in the Supreme Court of the State of New York, County of Kings under Index No. 1570/00, between Joseph Bogatz, as the plaintiff, and Esther Herz, as defendant, in favor of said Joseph Bogatz and against said Esther Herz, for the sum of One Hundred Fourteen Thousand Two Hundred Twenty-Six and 00/100 Dollars (\$114,226.00) damages and costs, as appears by the said Judgment.

NOW, THIS RELEASE WITNESSETH, that the Releasor, in consideration of the sum of ONE HUNDRED EIGHTY-NINE THOUSAND ONE HUNDRED FORTY-ONE AND 37/100 DOLLARS (\$189,141.37) to Releasor duly paid at the time of delivery of this Release, the receipt of which is hereby acknowledged, has granted, released, discharged and set over, and by these presents does grant, release, discharge and set over, unto the said Releasee, the premises more particularly described on Schedule A annexed hereto and made a part hereof (the "Premises").

TOGETHER with the hereditaments and appurtenances thereunto belonging, and all the right, title and interest of the said Releasee in and to the Premises and every part thereof, to the intent that the lands hereby conveyed may be released and discharged from the aforementioned Judgment, and from all lien or encumbrance that has attached to the same by reason of the recovery of said Judgment, as free and clear in all respects as though said Judgment had never been recovered or rendered.

TO HAVE AND TO HOLD the lands and Premises hereby released and conveyed to the Releasee, his heirs and assigns, to each of their only proper use, benefit and behoof forever, free, clear and discharged of and from all lien and claim, under and by virtue of the judgment aforesaid.

301 25 11 120VP JSA Bogatz

718-816-0184

p3

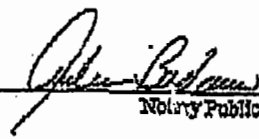
IN WITNESS WHEREOF, Releaser has executed this Release as of the day and year first above written.

RELEASOR:


JOSEPH BOGATZ

STATE OF NEW YORK)
COUNTY OF Richmond) ss.

On the 28 day of July, 2011, before me, the undersigned, personally appeared Joseph Bogatz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Street Address: 1148 East 10th Street
Borough of: Brooklyn
City of: New York
County of: Kings
State of: New York
Block: 6535
Lot: 26

ANDREA SACANO
NOTARY PUBLIC STATE OF NEW YORK
RICHMOND COUNTY
LIC. # 4719413321
COM. EXP. 8/10/2012

3422084.1



NYSCEF
Kings County Supreme Court

Document List
Index # 509774/2015

Created on:09/10/2015 04:36 PM

Case Caption: LEXINGTON INSURANCE COMPANY as assignee of JOSEPH BOGATZ - v. - ESTHER HERZ

Judge Name:

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS + COMPLAINT	Processed	08/07/2015	Lambert, R.
2	EXHIBIT(S) JUDGMENT	Processed	08/07/2015	Lambert, R.
3	EXHIBIT(S) ASSIGNMENT OF JUDGMENT	Processed	08/07/2015	Lambert, R.
4	PROOF OF SERVICE for Esther Herz	Processed	09/02/2015	Lambert, R.

RJI = 95. -
OSC - 45.00

3 copies RJI Window #5
1 copy of OSC " 4

pay #3



Practice with Confidence

SUPREME COURT
BOGATZ, JOSEPH KINGS COUNTY
v.
HERZ, ESTHER
Index Number: 1570/2000
Case Status: DISPOSED
Calendar Number: 2002-004874T

Plaintiff
(s): BOGATZ, JOSEPH

Defendant
(s): HERZ, ESTHER

227

122

1160578

This *CONTRACT* case is a civil action for *NON-MONETARY RELIEF*. The action was marked disposed by the court on *NOVEMBER 28, 2005* and was last assigned to Judge *PART82*.

On *MARCH 03, 2000* a Request for Judicial Intervention (RJI) was filed with the Clerk's Office in connection with *THE FILING OF A NOTICE OF MOTION* and was assigned to *MOTION PART*

On *MARCH 01, 2002* a Note of Issue (NOI) was filed with the Clerk's Office. These deadlines represent general goals. Actual deadlines shall be those set by the assigned Justice in a preliminary conference or other order.

The following additional comments are also noted on the court's record concerning this case: *N/I/S 2/25/02 FOR INQUEST; SFO DTD 7/9/04 CASE REST PRIOR JUDG AFTER INQ VAC P/O BBA-18 ENT 11/23/04; ON 4/6/2011 72 JUDGE DECLINES TO SIGN THE ORDER TO SHOW CAUSE; D'S OSC VOJ SENT TO EMS-72 FOR BBA-18 FOR REVIEW ON 8/17/15.; DEFT'S OSC-VOJ SENT TO BBA-18 ON 9/3/15 FOR REVIEW.*



FINANCE
NEW YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

OFFICE OF THE SHERIFF
LAW ENFORCEMENT BUREAU



POSTPONEMENT NOTICE

DATE: JUNE 16, 2011

RE: 1148 EAST 10 STREET
BROOKLYN, N.Y.

THE SALE OF THE ABOVE PROPERTY IN FAVOR
OF:

JOSEPH BOGATZ

-VS-

ESTHER HERZ

DAVID HERZ

IS HEREBY POSTPONED UNTIL

JULY 13, 2011

11:30 AM

EDGAR DOMENECH,

SHERIFF OF THE CITY OF NEW YORK

SGT. R. LUCAS #214

DEPUTY SHERIFF

(718) 802- 3544

Office of the Sheriff
Law Enforcement Bureau -Kings County
210 Joralemon Street, Rm 909
Brooklyn New York, 11201

ASSIGNMENT OF JUDGMENT

THIS ASSIGNMENT OF JUDGMENT is made as of the ___ day of March, 2014, by and between BROADWAY RALPH AVENUE ASSOCIATES LLC, having an address at 1 N. Broadway, #400, White Plains, New York 10601 ("Assignor") and LEXINGTON INSURANCE COMPANY as assignee/subrogee of G.A.T. Abstract Corporation, having an address at 100 Summer Street, 17th Floor, Boston, Massachusetts 02110 ("Assignee").

WITNESSETH:

WHEREAS, Assignor is the owner and holder of that certain Judgment entered the 21st day of November, 2005, in the legal action entitled *Broadway Ralph Ave. Associates LLC v. Herz*, under L/T Index No. 106467/2003 in the Civil Court of the City of New York, County of Kings, and thereafter docketed in the Kings County Clerk's Office on December 15, 2005 in favor of Assignor, in the aggregate amount of \$213,555.80, together with all interest accrued thereon from and after October 3, 2005, a copy of which is annexed hereto as Exhibit A (the "Judgment" and the "Transcript of Judgment" shall be collectively referred to as the "Judgment");

WHEREAS, Assignee has paid Assignor all sums due and owing on the Judgment, and in connection therewith, Assignor agreed to assign, sell and transfer to Assignee, and Assignee acquired, all of Assignor's right, title and interest in, to and under the Judgment.

NOW, THEREFORE, in consideration of THREE HUNDRED SEVENTY FIVE THOUSAND NINE HUNDRED FORTY-THREE and 40/100 (\$375,943.40) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby agree as follows:

1. Assignor hereby assigns, sells, sets over and transfers unto Assignee to have and to hold from and after the date hereof all of the right, title and interest of Assignor in, to and under the Judgment. Assignee shall promptly file this instrument with the Kings County Clerk's Office in accordance with the CPLR.

2. In any enforcement action brought or undertaken by Assignee to enforce the Judgment, Assignee shall not commence an action in the name of, or sue in the name of, Assignor in such enforcement action, and Assignee shall cause its name to be substituted in place and instead of the name "Broadway Ralph Avenue Associates LLC", as the plaintiff in any such enforcement action or proceeding with respect to the Judgment, except to the extent necessary to effectuate the transfer and assignment of the Judgment to Assignee.

3. Assignee will indemnify, defend and hold the Assignor harmless from and against any and all claims, causes of action, losses, damages, costs and expenses, including without limitation, attorneys' fees, court costs and disbursements, arising or accruing against Assignor by virtue of any actions taken by, or any omissions attributable to, Assignee in connection with Assignee's enforcement of the Judgment, or from Assignee's failure to substitute Assignee's

name in place and instead of Assignor's name in any such enforcement action, from and after the date hereof.

4. Assignor shall execute, acknowledge and deliver such further instruments, documents and agreements, and do such further acts, as may be necessary, desirable or proper to carry out more effectively the purpose of this Agreement and to facilitate the assignment and transfer of the Judgment.

5. It is mutually agreed that the terms "Assignor" and "Assignee", as used herein, shall mean and include the named parties and their respective successors and assigns, and shall be so construed that whenever applicable with reference to any of them, the use of the singular shall include the plural, the use of the plural shall include the singular, and the use of any gender shall include either or both of the other genders.

6. The terms and provisions of this Agreement may not be changed, modified, amended or altered, except by a writing executed by the party against whom such change, modification, amendment or alteration is sought to be enforced.

7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

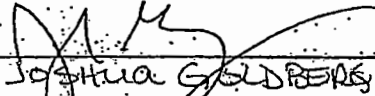
IN WITNESS WHEREOF, Assignor has executed this instrument as of the date and year first written above.

ASSIGNOR:

BROADWAY RALPH AVENUE
ASSOCIATES LLC

By:

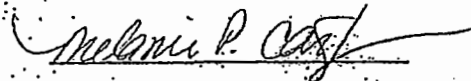
Title:


Joshua GoldBERG
Managing Member

ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.
COUNTY OF Westchester

On the 24th day of March, 2014, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared Iskua Goldegg personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed on the within ASSIGNMENT and acknowledged to me that he executed the same in his capacity as managing member of Broadway Ralph Avenue Associates LLC, and that by his signature on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument, and that such individuals made such appearance before the undersigned in Westchester (insert name of city, town or village), State of New York.
WHITE PLAINS



MELANIA P. CARTAGENA
Notary Public, State of New York
No. 01CA6273995
Qualified in Westchester County
Commission Expires December 24, 2016

ASSIGNEE/SUBROGEE:

LEXINGTON INSURANCE COMPANY

By: Peri Agulnek

Printed: Peri Agulnek

Title: Complex Claims Director

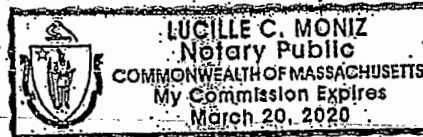
ACKNOWLEDGEMENT

STATE OF MASSACHUSETTS)

COUNTY OF Suffolk) ss

On this 31st day of March, 2014, before me, the undersigned officer, personally appeared Peri Agulnek, who acknowledged himself/herself to be the Complex Claim Dir. of Lexington Insurance Company, a corporation, and that he/she, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as Complex Claim Dir.

Lucille C. Moniz
Notary Public
My Commission Expires: 3/20/20



CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

-----X
LEXINGTON INSURANCE COMPANY as assignee
of BROADWAY RALPH AVENUE ASSOCIATES,
LLC,

Index No.: 032865/15

COMPLAINT

Plaintiff,

-against-

ESTHER HERZ a/k/a ESTHER HIRSC d/b/a EXTRA
TOUCH CHARISMA, JOHN DOE and JANE DOE,

Defendants.
-----X

Plaintiff, Lexington Insurance Company, by its attorneys, Frenkel Lambert Weiss Weisman & Gordon, LLP, as and for its complaint against the defendants, alleges, upon information and belief, as follows:

1. At all times hereinafter mentioned, Plaintiff Lexington Insurance Company ("Lexington"), was and still is an insurance company authorized to issue policies of insurance within the State of New York.

2. At all times hereinafter mentioned, Defendant Esther Herz was and still is a resident of the State of New York residing at 1148 East 10th Street, Brooklyn, New York.

3. At all times hereinafter mentioned, Esther Herz is also known as Esther Hirsch d/b/a Extra Touch Charisma.

4. On November 2, 2005, Broadway Ralph Avenue Associates, LLC obtained a judgment in the Civil Court of the City of New York, County of Kings, Index Number 106467/2003 against the Defendants in the sum of \$213,555.80 (the "Judgment"). Copies of the Judgment and transcript of Judgment are annexed hereto as **Exhibit "A"**. A transcript of the judgment was subsequently filed with the Clerk of Kings County on December 15, 2005.

Civil Court of the City of New YorkCounty of Kings

Part

Index Number

Motion Cal. #

Motion Seq. #

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers**Numbered**

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to vacate liens& restraints

is as follows:

The D's motion is adjourned to August 17 2015 pursuant to the order of the undersigned to requisition the undersigned LIT Commercial Panel 52 file to determine if there is any basis to vacate judgment and restraints.

As to Libi Herz, the restraining notice dated 5/21/2015 shall remain effective except that no garnishment, seizure, or restraints on any wages and/or bank accounts shall be legally enforced on the grounds that she is not a party to this action or the underlying commercial borrowing, since she was a 19 1/2 yrs old at that time.

This DC shall be referred to the undersigned on the above date

7/20/2015

Date

11/2/2015

Judge, Civil Court

HARRIET L. THOMPSON

JUDGE, CIVIL COURT